

## REMARKS

This is responsive to the outstanding Office Action issued November 7, 2005. Claims 1-20 were pending in the application. Claims 1-10, 12-14, and 16-20 were rejected and claims 11 and 15 were deemed allowable if rewritten in independent form. Applicant believes that application is in a condition for allowance. Applicant respectfully requests notice to that effect.

Claims 2, and 17-20 were objected to due to informalities. The offending language in claim 2 was deleted. The word "gaur" in claim 17 was corrected to -guard-. The objections to claim 17-20 are ambiguous. If the Examiner means that the language "the step..." in each claim should read "a step...", applicant requests that such change be made by Examiner's amendment. If the Examiner means that the language is not found in the specification, applicant requests that the language be added pursuant to Examiner's amendment. If the objection is a mistake, applicant requests that the objection be withdrawn. Alternatively, applicant requests a telephone call such that this matter may be resolved. Applicant believes the objections have been overcome and should be withdrawn. Applicant respectfully requests notice to that effect.

Claims 1-10 and 12-13 were rejected under 35 U.S.C. §103 as being unpatentable over Evora.

- Claim 1 includes the no amended language "the ~~flue guard~~ fins inserted into the side flue sufficiently far through the side flue and into the building to

avoid collecting frozen condensation on the fins in all natural climates and the stop being of sufficient dimension to engage the end of the side flue.”

The claim specifies that the fins are on the inside of the flue, which is distinguished from Evore's clamps (fins) 35 that are on the outside of the flue. Lines 20-29 of Evore specifies that the flue 30 extends between the hollow cylinders 16 and 21 at least for a partial distance. The cone portion 22 of the cylinder 21 has clamps (fins) 35 that engage the hollow cylinder (flue guard body) 16. The clamps necessarily must not be on the inside of the flue (30) as they would never be able to engage the cylinder 16, which is on the outside of the flue 30.

- Claim 2 includes the limitation “the flue guard having fins positioned inside ~~being sized to fit into~~ the side flue.” For the aforesaid reasons, Evore does not have fins inside the flue. Claim 3-13 depend from claim 2.
  
- Claim 14 included the limitation “inserting a flue guard through a side flue and into a building sufficiently far to position fins joined on a first end of the flue guard at a location sufficiently far in the flue to avoid collecting frozen condensation on the fins in all natural climates” For the aforesaid reasons, Evore does not have fins inside the flue. Claim 15-20 depend from claim 2.

Applicant believes the rejection under 35 U.S.C. §103 has been overcome and should be withdrawn. Notice to that effect is respectfully requested.

Claims 14, 16, and 17-20 were rejected under 35 U.S.C. §103 as being unpatentable over Evora. For the aforesaid reasons, such claims are allowable over Evora. Applicant believes the rejection under 35 U.S.C. §103 should be withdrawn. Notice to that effect is respectfully requested.

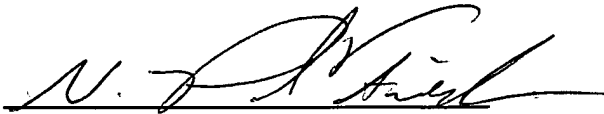
### CONCLUSION

It is respectfully submitted that, with the present amendments to the claims, oath and drawings, and in light of the above remarks, all of the presently pending claims should be seen to be fully supported by the present specification and to define an invention patentable over all of the art of record, whether taken separately or in any combination. The prompt issuance of a formal Notice of Allowance is seen to be in order and is solicited to be forthcoming.

Should the Examiner be of the opinion that any minor matters remain to be settled prior to the issuance of a Notice of Allowance, a telephone call to the

undersigned attorney of record is respectfully invited to assure prompt resolution thereof. Counsel may be reached at: **(763) 560-0294**

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